

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Daniel Rife,

Plaintiff,

v.

Case No. 1:22-cv-00144

J Jones,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation ("R&R"). (Doc. 22).

Proper notice has been given to Plaintiff under 28 U.S.C. § 636(b)(1)(C), including notice that he would waive further appeal if he failed to file objections to the R&R in a timely manner. (Doc. 8); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the R&R have been filed, and the time to file any objections has now passed. *See* S.D. Ohio Civ. R. 7.2(a)(2).

In light of the foregoing, it is hereby **ORDERED** that the R&R (Doc. 22) is **ADOPTED in full**. Consistent with that R&R, it is **ORDERED** that, Defendant's Motion to Dismiss (Doc. 11) is **GRANTED IN PART**—and converted to a Motion for Summary Judgment under Rule 56, and this case is **DISMISSED** based upon Plaintiff's undisputed failure to administratively exhaust his claim prior to filing suit—and **DENIED IN PART as moot** as to Defendant's alternative arguments.

IT IS SO ORDERED.

/s Michael R. Barrett
Michael R. Barrett, Judge
United States District Court